

What the United States Can Do To Make a Difference

- ◆ **Ratify the United Nations (UN) Trafficking in Persons Protocol.** Encourage participation in this protocol, the first international instrument that requires countries that are parties to the protocol to criminalize trafficking in persons and provide a framework for enhanced protection of and assistance to victims.
- ◆ **Increase funding for technical assistance, training, and aid to U.S. Government agencies working to combat trafficking, sexual assault, and domestic violence.** Help other countries build the capacity to prevent trafficking, protect and reintegrate victims, and investigate and prosecute traffickers.
- ◆ **Continue international bilateral and regional efforts to combat trafficking in persons.** Encourage source, transit, and destination countries to collaboratively conduct public awareness campaigns, investigate trafficking cases, and assist with victim repatriation.
- ◆ **Encourage increased cooperation between nongovernmental organizations and governments in combating trafficking, sexual assault, and domestic violence.** Provide victims, law enforcement, and Immigration and Naturalization Service personnel with training on trafficking in persons. Provide victims with information about victim advocacy and protection, legal assistance, health care, and reintegration.
- ◆ **Conduct training for U.S. Government employees.** Offer federal employees stationed abroad and Peace Corps workers training on how to eliminate violence against women and prevent trafficking in persons.
- ◆ **Implement and educate the American public about the recently enacted Victims of Trafficking and Violence Protection Act of 2000, which created “T” and “U” visas.** Explain that nonimmigrant “T” visas aid victims of severe forms of trafficking and nonimmigrant “U” visas help victims of certain serious crimes, including sexual assault, domestic violence, stalking, and trafficking.
- ◆ **Improve interagency cooperation within the United States.** Encourage continued interagency collaboration on trafficking in women and children at the local, state, and federal levels by developing task forces and working groups to ensure that trafficking cases are prosecuted and victims are helped.
- ◆ **Create shelters for victims of trafficking.** Provide victims with medical care, counseling, and legal and immigration assistance in a safe, nondetention environment.

Chapter 16

The United States Within the International Community—Responding to Trafficking in Persons

Although trafficking in women is a long-standing issue globally, it is a relatively new one for U.S. policymakers. The Victims of Trafficking and Violence Protection Act of 2000¹ has defined “severe forms of trafficking” as

A) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion or in which the person induced to perform such an act has not attained 18 years of age; or

B) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Trafficking of women and children for forced labor and the sex industry unfortunately is prevalent in many regions of the United States. An estimated 45,000–50,000 women and children are trafficked annually to the United States, primarily by loosely connected criminal networks. Worldwide, an estimated 700,000–2 million women and girls are trafficked annually.²

Although trafficked persons traditionally have come from Southeast Asia and Latin America, they are coming increasingly from the newly independent states of the former Soviet Union and Central and Eastern Europe. Victims of trafficking often suffer imprisonment and extreme physical and mental abuse, including rape, torture, starvation, other general physical brutality, and death

threats. It is likely that trafficking to the United States and other countries will continue, given weak economies and few job opportunities in the countries of origin, enormous profit potential for the traffickers, and improved international transportation infrastructures.

Worldwide, the industry of trafficking in persons is also closely linked to other related criminal activities such as extortion, racketeering, money laundering, bribery, drug use, gambling, conspiracy, document forgery, and visa, mail, and wire fraud. The consequences of trafficking in persons are enormous, with severe political, economic, criminal, and health implications. Most important, trafficking is a violation of basic human rights.

The global nature of trafficking in persons demands a coordinated international effort. The transnational character of trafficking requires countries of origin, transit, and destination to collaborate to prevent trafficking, protect victims, and prosecute traffickers. To diminish trafficking requires multiple strategies that target prevention, implement economic strategies (such as micro-credit lending to the women in the countries of origin), support the education of girls and the elimination of gender discrimination in the countries of origin, strengthen the penalties and laws against traffickers worldwide, and enhance assistance and protections for the victims. An effective strategy to combat trafficking further focuses on improving coordination and cooperation between government agencies and nongovernmental organizations at the local, state, and federal levels.

Ratifying the Trafficking in Persons Protocol

In January 1999, the United States and Argentina introduced a draft protocol on trafficking in women and children at the first negotiating session of the United Nations (UN) Convention on Transnational Organized Crime. The Trafficking in Persons Protocol, signed in December 2000, offers a historic opportunity for countries of origin, transit, and destination to work together to investigate and prosecute traffickers and protect trafficking victims. The Trafficking in Persons Protocol requires countries that are parties to the protocol to criminalize trafficking, encourage industrialized countries to provide technical assistance and training to developing countries, promote international law enforcement cooperation, and create a framework for enhanced protections for victims.

Increasing U.S. Trafficking Assistance Budgets

U.S. agencies working to combat the prevalence of trafficking, sexual assault, dating and domestic violence, and stalking, such as the U.S. Departments of State, Justice, and Labor and the U.S. Agency for International Development, will require larger budgets to assist other countries in building the capacity to combat violence against women.

Larger budgets within U.S. Government agencies will allow for the expansion of existing technical assistance programs to source and transit countries to develop model legislation outlawing trafficking in persons and provide prosecutor and police sensitivity training, exchange programs, anticorruption programs, forensic investigative techniques, public awareness campaigns, shelter creation, microcredit and job training programs, and safe reintegration of victims. Increasing assistance will harbor the added benefit of increasing cooperative efforts between nongovernmental organizations

and government agencies to assist victims of trafficking.

Implementing U.S. Trafficking Legislation

In October 2000, the United States enacted a comprehensive trafficking law: the Victims of Trafficking and Violence Protection Act of 2000 (Pub. L. No. 106–386). The purpose of the trafficking law is to combat trafficking of persons—especially into the sex trade, slavery, and slavery-like conditions—through prevention, prosecution and enforcement against traffickers, and protection and assistance for victims. Passage of such an effective and comprehensive trafficking law is intended to streamline the prosecution of traffickers, increase penalties for traffickers, improve the tracking of cases, and improve interagency coordination. Trafficking provisions in the Act do the following:

- ◆ Require the President of the United States to establish the Interagency Task Force To Monitor and Combat Trafficking, chaired by the Secretary of State, and authorize the establishment of the Office To Monitor and Combat Trafficking.
- ◆ Charge the President of the United States with establishing prevention initiatives to enhance economic opportunities for trafficking victims, such as microcredit lending and education programs, and with establishing public awareness programs on the dangers of trafficking and the protections available to victims.
- ◆ Require the U.S. Department of State and the U.S. Agency for International Development to establish programs and initiatives in foreign countries to assist in the safe integration, reintegration, or resettlement of victims of trafficking.
- ◆ Direct the U.S. Attorney General, the Secretaries of Labor and Health and Human Services, the Board of Directors of the Legal Services Corporation, and the heads of other federal agencies to expand their benefits and services to victims of severe forms of trafficking

in the United States, regardless of the victims' immigration status.

- ◆ Authorize the U.S. Attorney General to make grants to state, tribal, and local governments and nonprofit organizations to develop, expand, or strengthen services for victims of trafficking.
- ◆ Create a new, nonimmigrant "T" visa for certain victims of severe forms of trafficking who either have complied with any reasonable request for assistance in the investigation or prosecution of trafficking or have not yet turned 15 years old. The U.S. Attorney General may adjust "T" visa holders to lawful permanent resident status under certain circumstances.
- ◆ Increase the penalties for slavery and trafficking crimes, and create a new crime of forced labor that captures slavery-like practices that do not meet the elements of the involuntary servitude statute as interpreted by the U.S. Supreme Court.
- ◆ Criminalize trafficking for the purpose of involuntary servitude or forced labor and sex trafficking of children by force, fraud, or coercion.
- ◆ Punish the withholding or destruction of immigration or identification documents for the purpose of preventing a trafficking victim from escaping.

Improving Protection and Services to Trafficking Victims in the United States

Providing protection and services to trafficking victims can be difficult because agencies may focus on the victims' unlawful immigration or labor status rather than on the fact that their basic human rights have been violated. Many trafficking cases are incorrectly labeled as alien smuggling or prostitution cases. To remedy this, local, state, and federal law enforcement should be specially trained to identify and respond to trafficking cases. The lack of a consistent and streamlined procedure for housing and handling trafficking victims further complicates service delivery. Trafficking victims are either placed in the only available shelters, often domestic violence shelters, or

placed in Immigration and Naturalization Service (INS) detention facilities and then deported often without access to justice. The new trafficking law seeks to remedy these practices.

Clearly, trafficking victims should receive medical, counseling, and legal services in a language they understand. It is clear that local, state, and federal governments should advocate strongly for trafficking victims and provide facilities for housing adult and minor trafficking victims. Protection and services for trafficking victims, the allocation of funds for shelters and long-term housing, and supporting nongovernmental service providers and advocates are desperately needed. The new trafficking law also seeks to meet some of these needs.

Under the Victims of Trafficking and Violence Protection Act of 2000, local, state, and federal government agencies must partner with nongovernmental organizations. This is a critical first step toward creating an effective federal interagency working group, mandated by the new trafficking law, whose mission it will be to assist with community or state responses to trafficking in persons. The interagency working group's short- and long-term goals will be to improve prevention of trafficking, protect the rights of trafficked persons, and streamline prosecution.

Outlined below are specific actions that U.S. Government agencies; the UN; Congress; U.S. embassies; the Peace Corps; U.S. companies and their subcontractors; local and state governments; housing, shelter, and detention facilities; private foundations; and nongovernmental and community-based organizations can take to help stop the trafficking in persons.

Work Internationally To End Trafficking and Related Forms of Violence Against Women and Children

1. Support the Trafficking in Persons Protocol.

- ◆ Encourage source, transit, and destination countries to sign, ratify, and implement fully the Trafficking in Persons Protocol.

2. Increase funding for technical assistance, training, and aid to U.S. agencies working to combat trafficking and related forms of violence against women internationally.

- ◆ Encourage industrialized countries to provide assistance and training to developing countries to improve efforts to combat trafficking, as outlined in the Trafficking in Persons Protocol.
- ◆ Increase budgets for the U.S. Departments of State, Justice, and Labor, the U.S. Agency for International Development, and other government agencies to better assist other countries' and improve our own efforts to combat trafficking and other violent crimes against women.
- ◆ Expand technical assistance programs that identify and end trafficking, such as those that provide model legislation; seminars on corruption; training for police, prosecutors, border patrol, and customs personnel, among others, on how to identify and respond to trafficking and victim sensitivity issues; and equipment to developing countries.
- ◆ Increase support of widespread public awareness campaigns that warn potential victims of tactics used by traffickers, explain victims' rights, and explain what victims should do if they are or someone they know is victimized.
- ◆ Provide continued financial and technical assistance to nongovernmental organizations involved in protecting, rehabilitating, and repatriating trafficked persons.

3. Dedicate a portion of U.S. foreign aid to women's and human rights organizations abroad that provide services and advocacy to survivors of trafficking and related forms of violence against women.

- ◆ Work closely with local women's and human rights groups and other nongovernmental organizations to design, develop, and expand these programs.
- ◆ Increase job training, funding for education, and the number of microcredit lending programs available to survivors of trafficking and related forms of violence against women.

4. Continue to work with local women's organizations to ensure that women and girls are informed about issues related to trafficking, sexual assault, and dating and domestic violence.

- ◆ Increase U.S. Government International Visitor program participation of representatives from nongovernmental organizations working to combat trafficking, sexual assault, and domestic violence.
- ◆ Invite various nongovernmental organizations, international donors, and government and law enforcement officials to roundtables at U.S. embassies to discuss trafficking and other forms of violence against women.

5. Conduct trafficking, sexual assault, and domestic violence awareness training for U.S. workers stationed abroad.

- ◆ Provide trafficking, sexual assault, and domestic violence awareness training to all employees at the U.S. Department of State and employees from other agencies who are stationed abroad, including military service personnel—particularly those seconded to UN peacekeeping missions—and consular officers who review visa applications.

6. Take an active role in preventing and responding to violence against female employees and against women in the communities in which U.S. companies operate.

- ◆ Ensure that employees of U.S. companies abroad are not victims of trafficking. Facilitate employee access to information on trafficking, including providing instructions on what to do if an employee encounters a trafficking situation. Facilitate access to services for trafficked persons.
- ◆ Contact the appropriate authorities if there is reason to believe that an employee is being subjected to physical or psychological coercion or debt bondage-like situations (i.e., requiring a person to "work off" a debt if the debt is unreasonable, is not decreased by a reasonable value for the services rendered, or is "worked off" over an unlimited period of time).

- ◆ Adopt or improve on and enforce companywide safety policies on sexual harassment, discrimination, sexual assault, dating and domestic violence, and stalking.

For related recommendations, see Toolkit chapters “Promoting Safety and Nonviolence in the Workplace” and “Promoting Women’s Economic Security.”

Work Domestically To End Trafficking and Related Forms of Violence Against Women and Children

7. Enact and enforce state and federal laws and policies regarding trafficking in persons throughout the United States.

- ◆ Implement the comprehensive legislation that criminalizes trafficking in the United States and protects the rights of trafficked persons.

8. Collaborate with nongovernmental organizations, advocates, and other experts to provide culturally sensitive training on trafficking, sexual assault, dating and domestic violence, and stalking to all relevant personnel.

- ◆ Provide training to personnel from the U.S. Departments of State, Justice, Defense, Health and Human Services, and Labor, the Social Security Administration, and all agencies connected with immigrant, refugee, and trafficked populations.
- ◆ Provide specialized training to local, state, and federal law enforcement so they can learn how to identify and respond to trafficking situations with questioning and investigation techniques that are appropriate to this type of crime. Ensure that law enforcement personnel understand the rights of and services available to trafficked persons. In addition, train attorneys who represent trafficking victims to assist victims in seeking restitution.

9. Hold the persons and organizations involved in trafficking in women and children accountable for their crimes.

- ◆ Allow trafficking victims the legal right to seek restitution, damages, and back pay from

traffickers and employers and the right to pursue civil lawsuits against their traffickers and employers.

- ◆ Ensure that criminal processes do not impede the victim’s right to file a civil suit, and extend the statute of limitations to file such a suit.
- ◆ Take reasonable measures to expedite trafficking cases to reduce the time survivors must wait.

10. Provide appropriate housing alternatives to traditional detention facilities for victims of trafficking.

- ◆ Provide safe long-term shelter and access to medical and legal services to women and children who have been trafficked. Avoid the use of detention centers, jails, or prisons as a substitute for housing.
- ◆ Develop effective strategies at the local, state, and federal level to deal with the housing needs of large groups of trafficked people. (For example, when a sweatshop is discovered, dozens of trafficking victims may need immediate shelter and other services.)
- ◆ Examine policies of existing shelters for homeless people, victims of domestic violence, or children or youth that require documentation to receive services, and remove barriers that prevent trafficking survivors who lack documentation access to these services.

11. Identify dedicated funding to support the development of services for trafficking victims.

- ◆ Provide funding through the Victims of Trafficking and Violence Protection Act or other funding vehicles to local and state authorities to operate hotlines, provide training programs for employees, create antitrafficking awareness materials, and fund shelters for trafficking victims.

12. Increase funding and access to legal services for victims of trafficking.

- ◆ Develop pro bono, low-cost, and sliding-scale legal representation and independent counsel for victims of trafficking. Provide legal services

to help survivors apply for immigration relief and seek restitution from traffickers and employers.

- ◆ Designate Legal Services Corporation funding specifically to provide services for victims of trafficking.

13. Work to improve interagency cooperation and develop comprehensive services to respond to the needs of victims of trafficking and related forms of violence against women.

- ◆ Develop interagency task forces and working groups at the local, state, and federal level to share information, resources, and best practices for combating trafficking and related forms of violence against women.
- ◆ Increase public awareness through education campaigns. Train federal law enforcement, prosecutors, INS personnel, and victim advocates to streamline the prosecution of traffickers and to improve services and protection for victims.

14. Provide funding to expand the efforts of the Trafficking in Persons and Worker Exploitation Task Force.

- ◆ Expand the public awareness campaigns of the Trafficking in Persons and Worker Exploitation Task Force, focusing on immigrant communities and non-English speakers.
- ◆ Increase the language capacity of the Trafficking in Persons and Worker Exploitation Task Force complaint line and expand its services to operate on a 24-hour per day basis.

Resources

Anti-Slavery International

Thomas Clarkson House
The Stableyard Broomgrove Road
London SW9 9TL England
E-mail: info@antislavery.org
Web site: www.antislavery.org

Anti-Slavery International works to end slavery throughout the world, offering educational materials and publications; fundraising and lobbying

efforts; and resources including a reference library and archive.

Center for Gender and Refugee Studies

University of California Hastings College of the Law
200 McAllister Street
San Francisco, CA 94102
Fax: 415-565-4865
Web site: www.uchastings.edu/cgrs

The Center for Gender and Refugee Studies (CGRS) provides legal assistance and resources to attorneys representing asylum-seekers who are victims of violence against women. CGRS also educates policymakers and the general public to drive and develop new laws and public policies on issues of gender-related violence.

Coalition to Abolish Slavery and Trafficking

Little Tokyo Service Center
231 East Third Street, Suite G104
Los Angeles, CA 90013
Phone: 213-473-1611
Fax: 213-473-1601
Web site: www.trafficked-women.org

The Coalition to Abolish Slavery and Trafficking (CAST) works to end trafficking and forced labor and assist victims. The CAST Web site provides publications and resource information, news of campaigns and advocacy efforts, and links to related organizations and materials.

General Trafficking Information, U.S. Department of State

Web site: usinfo.state.gov/topical/global/traffic
The U.S. Department of State's International Information Programs Department distributes general information on this subject, including official texts, fact sheets, and reports on U.S. Government initiatives, international initiatives, and organizations.

International Human Rights Law Group

The Initiative Against Trafficking in Persons
1200 18th Street NW., Suite 602
Washington, DC 20036
Phone: 202-822-4600
Fax: 202-822-4606
Web site: www.hrlawgroup.org

The International Human Rights Law Group provides support and training to local advocates who are working to expand human rights laws and build human rights standards. Online resource materials pertain to trafficking, racism, and human rights.

**National Worker Exploitation Complaint Line
National Worker Exploitation Task Force**

U.S. Departments of Justice and Labor
Phone: 1-888-428-7581

The National Worker Exploitation Task Force Complaint Line handles calls from trafficking victims to provide them with assistance and lead to the prosecution of traffickers.

Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice

Web site: www.ojp.usdoj.gov/ovc

The Office for Victims of Crime (OVC) was established by the 1984 Victims of Crime Act (VOCA) to oversee diverse programs that benefit victims of crime. OVC provides substantial funding to state victim assistance and compensation programs—the lifeline services that help victims heal. OVC also supports trainings designed to educate criminal justice and allied professionals on the rights and needs of crime victims.

Violence Against Women Office, Office of Justice Programs, U.S. Department of Justice

Web site: www.ojp.usdoj.gov/vawo

The Violence Against Women Office implements the Violence Against Women Act (VAWA) of 1994 and 2000 and leads national efforts to stop violent crimes against women, including sexual assault, dating and domestic violence, and stalking.

Endnotes

1. The definition of trafficking in persons is from section 103 of the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106–386, October 28, 2000.
2. Richard, A. (1999). International Trafficking in Women in the United States: A Contemporary Manifestation of Slavery and Organized Crime. DCI CI Exceptional Intelligence Analyst Program, An Intelligence Monograph. Washington, DC: Center for the Study of Intelligence. p. 3. www.cia.gov/csi